

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ARIEL MICHELE S.,

Plaintiff,

v.

No. 2:24-cv-388 KRS

MARTIN O'MALLEY, Commissioner of the
Social Security Administration,

Defendant.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court *sua sponte*. Plaintiff filed a Complaint on April 23, 2024, appealing the final decision of the Social Security Administration, which denied her claim for benefits. (Doc. 1). On May 13, 2024, the Court set a briefing schedule and ordered Plaintiff to file a Motion to Reverse or Remand Administrative Agency Decision within thirty (30) days after the Commissioner files the Administrative Record. (Doc. 10). The Commissioner filed the Administrative Record on July 9, 2024, and mailed a paper copy of the Administrative Record to Plaintiff the same day. (Docs. 14, 15). Accordingly, Plaintiff's brief was due thirty days later—on August 8, 2024. On August 23, 2024, Plaintiff was ordered to file a Motion to Remand or request an extension of time to file by September 6, 2024. (Doc. 16). On September 6, 2024, Plaintiff requested an extension to file a Motion to Remand. (Doc. 17). On September 10, 2024, the Court granted Plaintiff's extension and ordered her to file a Motion to Remand no later than October 4, 2024. To date, Plaintiff has not filed a Motion to Remand nor requested a second extension to do so. A district court has inherent power to dismiss a case *sua sponte* for failure to prosecute or for failure to comply with a court order. *See Link v. Wabash R.R. Co.*, 370 U.S. 626,

629-31 (1962); *Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003).

IT IS THEREFORE ORDERED that **on or before November 4, 2024**, Plaintiff shall either file a Motion to Reverse or Remand Administrative Agency Decision with a supporting memorandum of law, or file a response to this Order showing cause why this case should not be dismissed without prejudice for failure to prosecute.

A handwritten signature in black ink, reading "Kevin Sweazea", is positioned above a horizontal line.

KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE